

**Notice of Allowability**

Application No.

10/753,088

Examiner

Kim M. Lewis

Applicant(s)

NATHANSON, JEREMY J.

Art Unit

3772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 6/6/07.
2. ☒ The allowed claim(s) is/are 1-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Kim M. Lewis  
Primary Examiner  
AU 3772

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Tension indicators are known as demonstrated by the prior art of record.

However, the prior art fails to teach or fairly suggest a strap tension indicator for an orthopedic brace comprising: a rigid brace frame member including an aperture; a resilient member located within the aperture; a strap tab; and a fastening member partially within the aperture to secure the strap tab to the rigid brace member; wherein in a first position, the fastening member abuts the resilient member, and the strap tab and the fastening member are movable together toward a second position in which the resilient member tends to push the strap tab and the fastening member back toward the first position.

The prior art also fails to teach or fairly suggest a method of indicating the tension in a strap for an orthopedic brace, the method comprising the steps of: providing an orthopedic brace having at least a first strap and a rigid brace member, the first strap including a strap tab that is secured to the rigid brace member and capable of moving with respect to the rigid brace member between a first position and a second position; providing on the rigid brace member an indicator; and applying tension to the strap, which tension causes the strap tab to move from the first position towards the second position, thereby altering an appearance of the indicator.

The prior art even further fails to teach or fairly suggest a strap tension indicator for orthopedic brace, comprising: a rigid brace frame member a strap tab slidably secured to the frame member, the strap tab being movable relative to the frame

member between a first position and a second position; and a resilient member; wherein the resilient member biases the strap tab towards the first position.

The prior art even further fails to teach or fairly suggest a strap tension indicator for orthopedic brace, comprising: a rigid brace frame member; a strap tab slidably secured to the frame member, the strap tab being movable relative to the frame member between a first position and a second position; means for indicating when the strap tab occupies the first position and when the strap tab occupies the second position; and a resilient member; wherein the resilient member biases the strap tab towards the first position

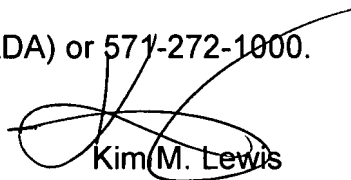
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim M. Lewis whose telephone number is (571) 272-4796. The examiner can normally be reached on Monday to Friday, from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco, can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kim M. Lewis  
Primary Examiner  
Art Unit 3772

kml  
June 9, 2007